

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABDERDEEN DIVISION**

**CHARLIE LEE TAYLOR**

**PETITIONER**

**V.**

**NO. 1:18-CV-222-DMB-JMV**

**MARSHAL TURNER, et al.**

**RESPONDENTS**

**ORDER TRANSFERRING CASE**

On or about November 28, 2018, Charlie Lee Taylor filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions and sentences in the Oktibbeha County Circuit Court, Mississippi, for possession of marijuana with intent to distribute and possession of cocaine with intent to distribute. Doc. #1 at 2–7.

Taylor has filed at least one unsuccessful § 2254 motion challenging the same convictions he seeks to challenge in this action. *See Taylor v. Kelly*, No. 1:07-CV-88-GHD-JAD. The Antiterrorism and Effective Death Penalty Act requires that an applicant seeking to file a second or successive petition first “move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). It does not appear that Taylor obtained such authorization before filing this action.

Rather than dismissing a habeas petition on the basis that it is successive, the Fifth Circuit has allowed district courts to transfer the petition for consideration pursuant to 28 U.S.C. § 2244(a) and (b)(3)(C). *See In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). Therefore, in the interest of justice and judicial economy:

1. Taylor’s petition is **TRANSFERRED** to the Fifth Circuit Court of Appeals for him to seek permission to file his successive § 2254 petition;
2. The Clerk of the Court shall transfer this petition and the entire record to the Fifth

Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) and (b)(3)(C), and *In re Epps*, 127 F.3d at 365; and

3. This case is **CLOSED**.

**SO ORDERED**, this 9th day of October, 2019.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**